



PATENT APPLICATION NO. 10/763,053  
ATTORNEY DOCKET NO. 21422.CIP

## DECLARATION AND PETITION

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled DIMETALHYDROXY MALATE FORTIFIED FOOD MATRICES, the specification of which was filed on 1/21/04 as THORPE NORTH & WESTERN, LLP Docket No. 21422.CIP, and given U.S. Patent Application Serial No. 10/763,053; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit of the earlier filed patent application filed in the U.S. as application no. 10/310,108 on 12/4/02 and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, I acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed applications and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.



## POWER OF ATTORNEY

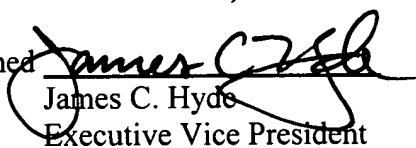
**Albion International, Inc.**, a corporation organized and existing under the laws of the State of Nevada, having a business address of 101 North Main Street, P.O. Box 750, Clearfield, UT 84015, owner of the all right, title and interest in the invention entitled **DIMETALHYDROXY MALATE FORTIFIED FOOD MATRICES**, the specification of which was filed on 1/21/04 as THORPE NORTH & WESTERN, LLP Docket No. 21422.CIP, and given U.S. Patent Application Serial No. 10/763,053; and empowered to prosecute the U.S. and foreign applications on behalf of the inventor(s), hereby appoints as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989; JASON R. JONES, Registration No. 51,008; DAVID L. STOTT, Registration No. 43,937; ERIK S. ERICKSEN, Registration No. 48,954; JOHN W.L. OGILVIE, Registration No. 37,987; and CHRISTOPHER L. JOHNSON, Registration No. 46,809; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

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Signed at Clearfield, Utah USA this 19<sup>th</sup> day of March, 2004.  
city, state, country (if not USA) day month year

**Albion International, Inc.**

Signed   
James C. Hyde  
Executive Vice President

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, and this petition.

INVENTOR(S):

Signed at Clearfield, UT, this 22 day of March, 2004.  
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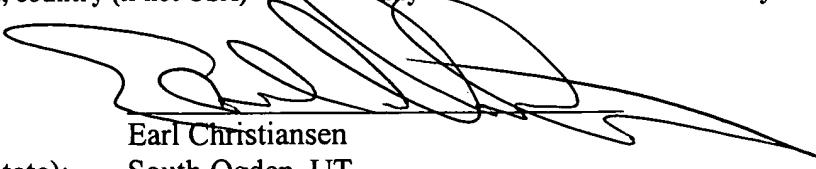
  
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